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RCE/ 2822



PTO/SB/30 (01-03)

Approved for use through 04/30/2003. OMB 0651-0031

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Request For Continued Examination (RCE) Transmittal

Address to:
Commissioner for Patents
Box RCE
Washington, DC 20231

Application Number	09/770,699
Filing Date	January 26, 2001
First Named Inventor	F. D. Gealy
Art Unit	2822
Examiner Name	M. Trinh
Attorney Docket Number	98093DIV

#10
RCE

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. Submission required under 37 CFR 1.114

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 CFR 1.116 previously filed on _____
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Rely Brief previously filed on _____
- iii. ☐ Other _____
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/ Declaration(s)
- iii. ☒ Information Disclosure Statement (IDS)
- iv. ☐ Other _____

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2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other _____

3. Fees

- The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
- The Director is hereby authorized to charge the following fees, or credit any overpayments, to
- a. ☒ Deposit Account No. 11-1110
- i. ☒ RCE fee required under 37 CFR 1.17(e)
- ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☐ Other _____
- b. ☒ Check in the amount of \$ 750.00 enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Robert A. Muha	Registration No. (Attorney/Agent)	44,249
Signature	<i>Robert A. Muha</i>	Date	3-31-03

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)		Date	
Signature			

Page 1 of 2

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Box RCE, Washington, DC 20231.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Gealy et al.

Serial No: 09/770,699

Group No.: 2822

Filed: January 26, 2001

Examiner: M. Trinh

For: **CAPACITOR HAVING AN ELECTRODE FORMED FROM A TRANSITION METAL OR CONDUCTIVE METAL-OXIDE, AND METHOD OF FORMING SAME**

Commissioner for Patents

Box: RCE

Washington, DC 20231

EXPRESS MAIL CERTIFICATE

"Express Mail" label number EU990151111US

Date of Deposit March 31, 2003

I hereby certify that the following attached paper or fee

**REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL
AMENDMENT (ACCOMPANYING REQUEST FOR CONTINUED EXAMINATION
UNDER 37 C.F.R. § 1.114)**

**SUPPLEMENTAL I.D.S.; PTO FORM SB/08A; COPIES OF REFS. CITED-ATTACHED
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is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Commissioner for Patents, Box: RCE, Washington, DC 20231.

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(Express Mail Certificate [8-3])



PATENT
98093DIV

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
Gealy et al.

Serial No. 09/770,699

Filed: January 26, 2001

Group Art Unit: 2822

Examiner: Michael Trinh

: CAPACITOR HAVING AN ELECTRODE
: FORMED FROM A TRANSITION METAL
: OR CONDUCTIVE METAL-OXIDE, AND
: METHOD OF FORMING SAME

AMENDMENT UNDER 37 C.F.R. §1.114

Pittsburgh, Pennsylvania 15222

March 31, 2003

Commissioner for Patents
Washington, DC 20231

Sir:

In response to the Office Action mailed December 31, 2002, please amend the above-identified application as follows:

In the Claims

Please amend the claims as indicated below.

38. (Twice Amended) A method of forming a capacitor including:
forming a first electrode selected from a group consisting of transition metals, conductive metal-